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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NORBERT LOBIG

Appeal 2009-011145
Application 09/786,527
Technology Center 2400

Before HOWARD B. BLANKENSHIP, ROBERT E. NAPPI, and
JEFFREY S. SMITH, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 23-29, 31-37, 39, 40, and 43-46, which are all the claims remaining in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

Appellant's invention relates to a method for switching a subscriber station from a first telecommunication network to a second telecommunication network. The method stores a set of routing information for defining a connection from the second telecommunications network to the subscriber station. The subscriber station is disconnected from the first communication network and connected to the second communication network. Abstract.

Representative Claim

23. A method for switching a subscriber station from a first telecommunications network to a second telecommunications network comprising the steps of:

providing a first telecommunications network with a first local exchange, a second telecommunications network with a second local exchange, a subscriber station, a primary routing information in the first telecommunications network and a primary routing information in the second telecommunications network, said first telecommunication network being connected to said second telecommunication network via a connection point, wherein the two telecommunication networks are interconnected said subscriber station involved in a change between the two telecommunications networks, said subscriber station initially connected to said first local exchange, said primary routing information in the first telecommunications network and primary routing information in the second telecommunications network pertaining to said subscriber station, said primary routing information for defining a connection set up from the respective telecommunications network to the first local exchange;

storing a secondary routing information in the first telecommunication network, said secondary routing

information being used for connection setup to the second telecommunications network via the connection point provided that the subscriber station is not present;

disconnecting electrically the subscriber line of the subscriber station from the first local exchange; and

connecting electrically the subscriber line of the subscriber station to the second local exchange.

Examiner's Rejections

Claims 23-29, 31-37, 39, 40, and 43-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Emery (US 5,758,281) and Akinpelu (EP 0708570 A2).

Claim Groupings

In view of Appellant's arguments in the Appeal Brief, we will decide the appeal on the basis of claims 23 and 32. See 37 C.F.R. § 41.37(c)(1)(vii).

PRINCIPAL ISSUE

Did the Examiner err in finding that the combination of Emery and Akinpelu teaches a first local exchange and a second local exchange as recited in claim 23?

FINDINGS OF FACT

We rely on, and adopt as our own, the findings of fact set forth in the Final Rejection and the Examiner's Answer.

PRINCIPLES OF LAW

Claim Interpretation

During examination, claims are to be given their broadest reasonable interpretation consistent with the specification, and the language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). The Office must apply the broadest reasonable meaning to the claim language, taking into account any definitions presented in the specification. *Id.* (citations omitted).

Obviousness

“What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103.” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 419 (2007). “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.* at 416.

ANALYSIS

Section 103 rejection of claims 23-29, 31, 40, 43, and 45

Appellant contends that the VLR of Emery is materially different than a local exchange because a local exchange provides a central point for termination of lines and trunks and is used to connect subscriber local loops to network trunks in a fixed network system. App. Br. 10-12; Reply Br. 2. However, Appellant’s definition of local exchange is not recited in claim 23, and we find no basis for reading this definition into the claim. Further, Appellant’s argument appears based on the premise that wireless local exchanges are somehow not fixed. However, Emery teaches that the

switches, or “exchanges,” can be in locations such as Pittsburgh, Washington DC, and Philadelphia (*see* col. 20, ll. 58-64). Therefore, Emery teaches “local exchanges” within the meaning of claim 23.

Appellant contends that the Signaling Transfer Point (STP) of Emery is materially different than the connection point recited in claim 23, because the connection point routes calls between exchanges and networks, not only call signaling. App. Br. 12 Reply Br. 3. However, claim 23 does not recite the connection point routes calls between exchanges and networks. Appellant’s argument is not commensurate with the scope of claim 23.

Appellant contends that Emery does not teach primary routing information because the principles of mobile communication are not relevant to a system with a local exchange, a fixed network system has no registration capabilities, and a fixed network system has no need to be able to roam. App. Br. 12; Reply Br. 4. Appellant has not presented evidence or persuasive argument to show that the telecommunications networks of Emery, which are located in cities such as Pittsburgh, Washington DC, and Philadelphia, are not fixed to these locations. Further, claim 23 does not recite a fixed network system; claim 23 recites “a first telecommunications network” and “a second telecommunications network.” Appellant has not provided evidence or persuasive argument to distinguish the telecommunications networks recited in claim 23 from the telecommunications networks taught by Emery.

Appellant contends that roaming on a mobile network as taught by Emery does not teach disconnecting or connecting the subscriber in a fixed network system. App. Br. 13; Reply Br. 5-6. However, the networks of Emery are not mobile; the subscriber station is mobile. We find that

disconnecting from one network and connecting to another network as taught by Emery teaches disconnecting the subscriber station from the first local exchange and connecting the subscriber station to the second local exchange as recited in claim 23.

Appellant contends that Akinpelu is not relevant, because Akinpelu teaches an operator assistance system. App. Br. 13; Reply Br. 7. Appellant has not presented evidence or persuasive argument to show that the method recited in claim 23 excludes being performed during operator assistance.

Section 103 rejection of claims 32-37, 39, 44, and 46

Appellants contend that Emery does not teach a local exchange as recited in claim 32. App. Br. 15; Reply Br. 2. However, Emery teaches that the switches, or “exchanges,” can be in locations such as Pittsburgh, Washington DC, and Philadelphia (see col. 20, ll. 58-64). Therefore, Emery teaches “local exchanges” within the meaning of claim 23.

Appellants contend that Emery does not teach a connection point as recited in claim 32, because the method of claim 32 routes calls between exchanges and networks, not only call signaling. App. Br. 16; Reply Br. 3. However, claim 32 does not recite the connection point routes calls between exchanges and networks. Appellant’s argument is not commensurate with the scope of claim 32.

Appellant contends that Emery does not teach primary routing information as recited in claim 32 because the principles of mobile communication are not relevant to a system with a local exchange, a fixed network system has no registration capabilities, and a fixed network system has no need to be able to roam. App. Br. 16-17; Reply Br. 4. Appellant has

not presented evidence or persuasive argument to show that the telecommunications networks of Emery, which are located in cities such as Pittsburgh, Washington DC, and Philadelphia, are not fixed to these locations. Further, claim 32 does not recite a fixed network system; claim 32 recites “a first telecommunications network” and “a second telecommunications network.” Appellant has not provided evidence or persuasive argument to distinguish the telecommunications networks recited in claim 32 from the telecommunications networks taught by Emery.

Appellant contends that roaming on a mobile network as taught by Emery does not teach disconnecting or connecting the subscriber in a fixed network system. App. Br. 17; Reply Br. 5-6. However, the networks of Emery are not mobile, the subscriber station is mobile. We find that disconnecting from one network and connecting to another network as taught by Emery teaches disconnecting the subscriber station from the first local exchange and connecting the subscriber station to the second local exchange as recited in claim 32.

Appellant contends that Akinpelu is not relevant, because Akinpelu teaches an operator assistance system. App. Br. 17; Reply Br. 7. Appellant has not presented evidence or persuasive argument to show that the method recited in claim 32 excludes being performed during operator assistance.

CONCLUSION OF LAW

The Examiner did not err in finding that the combination of Emery and Akinpelu teaches a first local exchange and a second local exchange as recited in claims 23 and 32.

DECISION

The rejection of claims 23-29, 31-37, 39, 40, and 43-46 under 35 U.S.C. § 103(a) as being unpatentable over Emery and Akinpelu is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

ELD